



## State of Utah

### Department of Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF DRINKING WATER  
Kevin W. Brown, P.E.  
*Director*

#### **Drinking Water Board**

Dale Pierson, *Chair*  
Anne Erickson, Ed.D., *Vice-Chair*  
Ken Bassett  
Myron Bateman  
Jay Franson, P.E.  
Helen Graber, Ph.D.  
Laurie McNeill, Ph.D.  
Dianne R. Nielson, Ph.D.  
Charlie Roberts  
Petra Rust  
Ron Thompson  
Kevin W. Brown, P.E.  
*Executive Secretary*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

### MINUTES OF THE DRINKING WATER BOARD MEETING HELD ON JULY 15, 2005 IN SALT LAKE CITY, UTAH

#### Board Members Present

Dale Pierson, Chairman  
Anne Erickson, Vice Chairman  
Ken Bassett  
Jay Franson  
Helen Graber, Ph.D.  
Charlie Roberts  
Petra Rust  
Ron Thompson

#### Board Members Excused

Myron Bateman  
Laurie McNeill, Ph.D.  
Dianne Nielson, Ph.D.

#### Staff

Ken Wilde  
Rich Peterson  
Merrit Fisher  
Ken Bousfield  
Linda Matulich

#### Guests

Mark Clark, Weber Basin WCD  
Dan Aubrey, Division of Water Rights  
Fred Nelson, Attorney General's Office  
Reed Bodell, Kennecott Utah Copper  
Russ Donoghue, Rural Water Association  
Ying Ying Macauley, Jordan Valley WCD  
Doug Nielsen, Sunrise Engineering  
Jim Talbot, Mayor, Meadow Town  
Lynn Wall, Wall Engineering  
Clyde Watkins, Rural Water Association  
Brady Theurer, Rural Water Association  
Darrell Holden, Vernon Waterworks  
Patricia Holden, Vernon Waterworks  
John Chartier, Sunrise Engineering  
Claudia Wheeler, Metropolitan Water  
District of Salt Lake and Sandy

#### ITEM 1 – CALL TO ORDER

The Drinking Water Board convened in Salt Lake City, Utah with Chairman Pierson presiding. The meeting was called to order at 1:00 pm.

Chairman Pierson introduced Ken Bassett and Helen Graber as new members of the Board. Ken Bassett and Helen Graber gave some background information about themselves.

## ITEM 2 – ROLL CALL

Chairman Pierson mentioned Ken Wilde is sitting in for Kevin Brown today. Chairman Pierson asked Ken Wilde to call roll of the Board members. The roll call showed there were 8 members present at the time.

## ITEM 3 – INTRODUCTIONS

Chairman Pierson welcomed everyone and asked the guests to introduce themselves.

## ITEM 4 - APPROVAL OF MINUTES – MAY 13, 2005

Chairman Pierson stated a motion to approve the May 13, 2005 minutes would be in order.

**Charlie Roberts moved to approve the May 13, 2005 minutes.**

**Petra Rust seconded.**

**CARRIED  
(Unanimous)**

## ITEM 5 – SRF CONSERVATION COMMITTEE REPORT

### 1) Status Report

Ken Wilde reviewed the “State Loan Fund” report. The report was prepared after the final bond payment was made. The Board bonded for several million dollars, a few years ago, for the State SRF Loan Fund. The final \$1,000,000 plus payment was made on June 1, 2005.

The Board has \$3,500,000 in the State SRF Loan Fund and a little over \$500,000 in the Hardship Grant Fund, giving the Board a little over \$4,000,000 in the State SRF Loan Fund. The State SRF Loan Fund report is projected out for the next 12 months.

Staff had a loan closing with the Town of Manila about 2 weeks ago.

Garden City was trying to prove they didn’t need to build a water treatment plant for their water source. Garden City had a compliance agreement with the Division to run some tests and monitor the water quality of their springs in hopes they could use the Federal Government filter avoidance criteria to avoid building a water treatment plant. Garden City wasn’t able to meet the criteria. Ken Wilde said he and Ken Bousfield gave an update to Garden City’s Council at their Council meeting last night. They also told Garden City that Division staff would work with them and their engineer on their project.

Ken Wilde mentioned staff received a capitalization grant of about \$8.3 million for the Federal SRF Loan Fund. Ken reviewed the “Federal SRF Chart” and the “Projects Authorized - But Not Yet Closed Chart”. The Federal SRF Loan program has a little less than \$10,000,000 that has not been authorized. Ken reviewed the Market Outlook article on “Water is Cheap – Ridiculously Cheap!”

Discussion followed.

## 2) State SRF Applications

### a) Meadow Town

Rich Peterson handed out some new information on Meadow Town that staff received after the packet was mailed out. The engineers discussed the new information. Under the current package of \$770,000, Meadow Town qualifies for up to a 37% grant, based on the 1.75% criteria for their water bill. By adding additional facilities to their project scope, they will be able to receive a 47% grant. Their MAGI is 72% of the State MAGI. There is a lot of new information in the packet handed out today. Staff recommended a 53% loan and a 47% grant, which comes out to a \$492,000 loan at 3.04% for 20 years and a \$430,500 grant. This includes a planning loan that the Town of Meadow received a couple of months ago.

Jim Talbot, Mayor of Meadow Town, and Lynn Wall, Wall Engineering addressed the Board. Meadow Town is the ninth (9<sup>th</sup>) poorest community in Utah.

Discussion followed.

**Ron Thompson moved the Board authorize staff's recommendation of a financial assistance package of a \$492,000 loan, which includes the planning loan of \$7,500, at 3.04% interest, give staff authority to adjust the loan payments to absorb the FHA payments, to keep annual loan payments even year-by-year, may extend repayments to 25 years, and a grant of \$430,500 with instructions for staff to work with the Town of Meadow on a payment schedule to accommodate the \$40,400 loan.**

**Jay Franson seconded.**

Discussion on motion.

**CARRIED  
(Unanimous)**

## 3) Federal SRF Applications

### a) Vernon Waterworks

Merrit Fisher gave some background information on Vernon Waterworks and Vernon Town. Vernon Waterworks is requesting a \$17,000 planning loan from the Federal SRF loan program. Since Vernon Waterworks is a privately owned system, they don't qualify for a State SRF loan. Vernon Waterworks is helping Vernon Town out with the project. Vernon Town received a loan from the Board at the January 18, 2005 Board meeting. When Vernon Waterworks becomes a Special Service District, Vernon Town will no longer need the loan. Vernon Town will then request the Board deauthorize the loan. Vernon Waterworks will then apply for assistance from the Board to cover the deauthorized loan.

Discussion followed.

Darrell Holden, Mayor of Vernon, and John Chartier, Sunrise Engineering addressed the Board.

**Jay Franson moved the Board authorize the SRF Conservation Committee's recommendations of a \$17,000 planning loan at 0% interest to be repaid over 5 years (taken from second round funds). This loan may be rolled into a larger loan if funding for a construction project is authorized at a later date.**

**Dale Pierson seconded.**

**CARRIED  
(Unanimous)**

**b) Project Priority List**

Merrit Fisher reported Portage Town was added to the Project Priority List. Portage is planning on developing their Upper Spring and adding 4,000 feet of transmission line, redeveloping their Lower Springs and adding 12,000 feet of distribution line, and constructing a new 500,000-gallon storage tank. The total cost of the project will be about \$1,535,000. Portage Town is highlighted, and is toward the end of the project list.

**Ron Thompson moved the Board approve the updated Project Priority List.**

**Dale Pierson seconded.**

**CARRIED  
(Unanimous)**

**ITEM 6 – UTAH ATTORNEY GENERAL'S OFFICE ETHICS MEMORANDUM**

Fred Nelson, Attorney General's Office, was asked by Dianne Nielson to review the Ethics Act and Conflicts of Interest packet, dated April 6, 2005, with the Board. A copy of the Ethics Act and Conflict of Interest form is in the Board packet for review as well. There are some minor changes in the packet, due to a recent change in the Governor's Administration.

Discussion followed.

**ITEM 7 – REAPPOINTMENT OF 2 MEMBERS TO THE OPERATOR CERTIFICATION COMMISSION**

**Item 7 and 8 were combined.**

**ITEM 8 – REAPPOINTMENT OF 2 MEMBERS TO THE CROSS CONNECTION CONTROL COMMISSION**

Chairman Pierson stated a motion would be in order to reappoint James Callison and Jay Franson to another term on the Operator Certification Commission; and reappoint Frank Mills and Jay Franson to another term on the Cross Connection Control Commission.

**Ron Thompson moved the Board authorize staff's recommendation of reappointing James Callison and Jay Franson to another term on the Operator Certification Commission; and also reappoint Frank Mills and Jay Franson to another term on the Cross Connection Control Commission.**

**Charlie Roberts seconded.**

**CARRIED  
(Unanimous)**

Anne Erickson had a couple of concerns: 1) the time limit that the Commission members serve on both of the Commissions, and 2) the fact that there aren't any women serving on either Commission.

Discussion followed.

**ITEM 9 – PUBLIC WATER SYSTEM DEFINITION CHANGE**

Ken Bousfield mentioned the proposed changes for Rule R309-100 were published in the Utah Bulletin and on the Division's website with the comment period opening on June 15, 2005 and closing on July 15, 2005 at 5:00 p.m.

Ken mentioned comments have been received in the office after the time the Board packet was sent out, but before the close of the comment period, which closes today at 5:00 p.m.

Discussion followed.

Item 9 and Item 10 a, b, and c were combined in the same motion.

**Ron Thompson moved the Board table Item 9 and Item 10, a, b and c until the public comment period has been closed. After the comment period has closed, staff will bring Item 9 and Item 10 a, b and c back to the Board at the next Board meeting for final approval.**

Comment on motion: The Board and staff can convene and hold a teleconference to final Items 9 and 10a, b and c if they need to.

**Helen Graber seconded.**

**CARRIED  
(Unanimous)**

**ITEM 10 – a) ADOPTION OF ARSENIC AND FILTER BACKWASH RECYCLING RULES  
R309-100, R309-110, R309-200, R309-3205, R309-215, R309-220, R309-505,  
AND R309-535**

Item 10 a, b and c were combined with Item 9 on the motion.

b) UTAH GUIDELINES FOR APPROVING MANAGED POINT-OF-USE OR POINT OF ENTRY TREATMENT

Item 10 a, b and c were combined with Item 9 on the motion.

c) TREATMENT AND MONITORING REVIEW PROTOCOL

Item 10 a, b and c were combined with Item 9 on the motion.

ITEM 11 – PROPOSED AMENDMENTS TO RULE CONCERNING MINIMUM WATER PRESSURE

Bill Birkes reviewed the amendments made in the Minimum Water Pressure Rule. Bill found 7 different places in the document where “20 psi” is listed. The proposed changes in the guidance statement don’t have to be open for publication with the Division of Administrative Rules. The guidance statement can be used to help when it is needed. The sections that have the proposed changes are in the Board packet. Pressure and sizing of the pipe were a big a concern.

Ron Thompson mentioned he’d like to see a couple of changes made in the Rule; (1) set a new date, and (2) set the PSI at a common standard.

**Ron Thompson moved the Board approve the Minimum Water Pressure Rule with the changes that the effective date of the Rule will be the effective date of its adoption and that the final paragraph be changed to read: “Existing public water systems expanding their service areas shall meet the above criteria in the new service area, and shall modify services and the remainder of their system to meet the above criteria on or before July 1, 2015. In addition to the adoption of the rule, staff is instructed to calculate the cost of modifying all of the systems in the State so that all of the systems are qualified under the Minimum Pressure criteria if all of the systems are required to comply with the Rule.**

Discussion on motion.

**Jay Franson seconded.**

Fred Nelson addressed the Board on their concerns with the Minimum Water Pressure document.

Discussion followed.

Fred Nelson will provide staff with specific language for the Minimum Water Pressure document prior to the September 9, 2005 Board meeting.

**Ron Thompson moved to withdraw his motion, and have the following substitute motion instead: Ron Thompson moved to table this agenda item, and have staff come back to September 9, 2005 Board meeting with a new proposed rule.**

**Ken Bassett seconded.**

**CARRIED**  
**(Unanimous)**

**ITEM 12 -CHAIRMAN’S REPORT**

- a) Welcome New Board Members:
  - 1) Ken Bassett
  - 2) Helen Graber

Chairman Pierson welcomed Ken Bassett and Helen Graber to the Board.

Chairman Pierson mentioned Chris Webb was a member of the SRF/Conservation Committee when he was on the Board. There is now an opening on the SRF/Conservation Committee needing to be filled.

Chairman Pierson mentioned Ron Thompson expressed a desire to serve on the SRF/Conservation Committee. Ron Thompson will serve on the Committee.

Chairman Pierson introduced Brady Theurer. Brady is a new staff member at the Rural Water Association of Utah. Brady will handle the Source Water Protection program for the Rural Water Association.

Brady Theurer addressed the Board.

Russ Donoghue addressed the Board. Russ mentioned the Conservation Committee is having a news conference today at 12:30 p.m. The Lt. Governor was a speaker at the conference. Channel 2, 4 and 5 staff was in attendance. There was an article in the newspapers today about the Conservation Committee news conference and their current issues.

**ITEM 13 – DIRECTORS REPORT**

- a) Twenty-five (25) Drinking Water Systems of Interest

Ken Wilde mentioned the Twenty-Five Drinking Water Systems of Interest is in the packet for review. Ken brought the Board up-to-date on No. 1 - Fifetown Water System issues.

- b) Staff Update

Ken Wilde mentioned there is a current Board Roster in the packet. There is also an Organizational Division Chart, a list of staff with their phone numbers and website addresses, and a list showing what staff is responsible for in their Section.

**ITEM 14 – NEWS ARTICLES**

The news articles are in the packet.

#### ITEM 15 – LETTERS

The letters are in the packet.

#### ITEM 16 – UPDATE

The update is in the packet.

Clyde Watkins, Rural Water Association of Utah, addressed the Board.

Clyde mentioned after the public hearing at the last Board meeting, he met with David Hansen and his father to make plans for training and testing on-site for them. Clyde updated the Board on what Rural Water is doing to help Dave Hansen out. Clyde mentioned he would update the Board at the September Board meeting on any further progress.

Ron Thompson thanked staff and the Rural Water Association of Utah for helping the water systems in the state.

#### ITEM 17 – NEXT BOARD MEETING

The next Drinking Water Board meeting is scheduled for September 9, 2005 at 168 North 1950 West, Room 101, Salt Lake City, Utah. There will be a work meeting in the morning.

#### ITEM 18 – OTHER

No other business.

#### ITEM 19 – ADJOURN

Chairman Pierson stated a motion to adjourn the meeting was in order.

**Charlie Roberts moved to adjourn the Board meeting at 3:00 p.m.**

**Petra Rust seconded.**

**CARRIED  
(Unanimous)**

Linda Matulich  
Recording Secretary